

JS 44C/SDNY  
REV. 5/2010

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

Swain

## PLAINTIFFS

## DEFENDANTS

Official Committee of Unsecured Creditors of Lehman  
Brothers Holdings Inc., et al.

Barclays Capital Inc.

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

## ATTORNEYS (IF KNOWN)

51 Madison Avenue, 22nd Floor, New York, New York 10010, Boies, Schiller & Flexner LLP, 575 Lexington Ave. New York,  
(212) 849-7000 New York 10022, (212) 446-2300CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 USC 158, Appeal from July 15, 2011 SDNY Bankr. order denying Committee's motion for Rule 60(b) relief

Has this or a similar case been previously filed in SDNY at any time? No? ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

08-13555 # 18849

## ACTIONS UNDER STATUTES

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY -	[ ] 610 AGRICULTURE	[X] 422 APPEAL	[ ] 400 STATE				
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	[ ] 365 PERSONAL INJURY	[ ] 620 OTHER FOOD &	28 USC 158	[ ] 410 ANTITRUST				
[ ] 130 MILLER ACT	LIABILITY	[ ] 368 PERSONAL INJURY	DRUG	[ ] 423 WITHDRAWAL	[ ] 430 BANKS & BANKING				
[ ] 140 NEGOTIABLE	[ ] 320 ASSAULT, LIBEL &	[ ] 368 ASBESTOS PERSONAL	[ ] 625 DRUG RELATED	28 USC 157	[ ] 450 COMMERCE				
INSTRUMENT	SLANDER	PRODUCT LIABILITY	SEIZURE OF		[ ] 460 DEPORTATION				
[ ] 150 RECOVERY OF	[ ] 330 FEDERAL	[ ] 368 ASBESTOS PERSONAL	PROPERTY		[ ] 470 RACKETEER INFLU-				
OVERPAYMENT &	EMPLOYERS'	INJURY PRODUCT	LIABILITY		ENCED & CORRUPT				
ENFORCEMENT OF	LIABILITY	LIABILITY			ORGANIZATION ACT				
JUDGMENT	[ ] 340 MARINE	PERSONAL PROPERTY	[ ] 630 LIQUOR LAWS		(RICO)				
[ ] 161 MEDICARE ACT	LIABILITY	[ ] 370 OTHER FRAUD	[ ] 640 RR & TRUCK		[ ] 480 CONSUMER CREDIT				
[ ] 152 RECOVERY OF	[ ] 345 MARINE PRODUCT	[ ] 371 TRUTH IN LENDING	[ ] 650 AIRLINE REGS		[ ] 490 CABLE/SATELLITE TV				
DEFAULTED	LIABILITY	[ ] 380 OTHER PERSONAL	[ ] 660 OCCUPATIONAL		[ ] 810 SELECTIVE SERVICE				
STUDENT LOANS	[ ] 350 MOTOR VEHICLE	PROPERTY DAMAGE	[ ] 690 OTHER		[ ] 850 SECURITIES/				
(EXCL VETERANS)	[ ] 355 MOTOR VEHICLE	PRODUCT LIABILITY			COMMODITIES/				
[ ] 153 RECOVERY OF	[ ] 360 OTHER PERSONAL	PRODUCT LIABILITY			EXCHANGE				
OVERPAYMENT OF	INJURY				[ ] 875 CUSTOMER				
VETERAN'S BENEFITS					CHALLENGE				
[ ] 160 STOCKHOLDERS SUITS					12 USC 3410				
[ ] 190 OTHER CONTRACT					[ ] 890 OTHER STATUTORY				
[ ] 195 CONTRACT PRODUCT					ACTIONS				
LIABILITY					[ ] 891 AGRICULTURAL ACTS				
[ ] 196 FRANCHISE					[ ] 892 ECONOMIC				
					STABILIZATION ACT				
					[ ] 893 ENVIRONMENTAL				
					MATTERS				
					[ ] 894 ENERGY				
					ALLOCATION ACT				
					[ ] 895 FREEDOM OF				
					INFORMATION ACT				
					[ ] 900 APPEAL OF FEE				
					DETERMINATION				
					UNDER EQUAL ACCESS				
					TO JUSTICE				
					[ ] 950 CONSTITUTIONALITY				
					OF STATE STATUTES				

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1322, 1441)

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ]	[ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ]	[ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ]	[ ]
CITIZEN OF ANOTHER STATE	[ ]	[ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]	[ ]	FOREIGN NATION	[ ]	[ ]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Official Committee of Unsecured Creditors of Lehman Brothers Holdings Inc., et al., c/o Quinn Emanuel Urquhart & Sullivan LLP, 51 Madison Avenue, 22nd Floor, New York, New York 10010, New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Barclays Capital Inc., 745 Seventh Avenue New York, New York 10019, New York County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT #  29 July 2011

[ ] NO  
[X] YES (DATE ADMITTED Mo. Feb. Yr. 2002)  
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)